

# FAX

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**ATTN.** Nilesh R. Shah

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**Fax Number** 1 571 273 8300

**Phone Number** 571 272 3771

**FROM** Volel Emile, Esq.

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**Fax Number** (512) 306-0240

**Phone Number** (512) 306-7969

**SUBJECT** Response to 1st Office Action (10/082,746)

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**Number of Pages** 21

**Date** 9/30/2005

## MESSAGE

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This fax transmission includes:

1. one copy of a Fax Transmittal Form;
2. one copy of a Fee transmittal Letter; and
3. one copy of the Response.

Volel

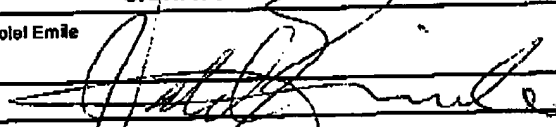
SEP 30 2005

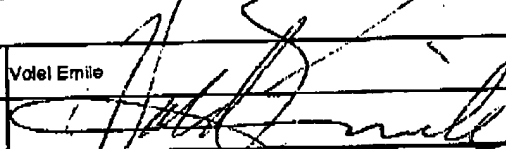
PTO/SB/21 (02-04)

Approved for use through 07/31/2006, OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/082,746
	Filing Date	02/21/2002
	First Named Inventor	Jack Allen Alford, Jr.
	Art Unit	2196
	Examiner Name	Nikesh R. Shah
Total Number of Pages in This Submission	Attorney Docket Number	AUS920010887US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Volei Emile	
Signature		
Date	09/30/2005	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Volei Emile		
Signature			Date
			09/30/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NUMBER: AUS920010867081

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 30 2005

In re: Application of:  
Jack Allen Alford, Jr.: Before the Examiner:  
: Nilesh R. Shah

Serial No: 10/082,746

: Group Art Unit: 2195

Filed: 02/21/2002

: Confirmation No.: 5334

Title: APPARATUS AND METHOD OF  
DYNAMICALLY REPARTITIONING A  
COMPUTER SYSTEM IN RESPONSE TO  
PARTITION WORKLOADSCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified Application.

- ☒ No additional fee is required  
☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee
Total	52	MINUS	52	=	0	x 50 =	\$ 0.00
Indep.	8	MINUS	8	=	0	x 200 =	\$ 0.00
1st Presentation of Multiple Dep. Claim						x 360 =	\$ 0.00
TOTAL							\$ 0.00

☐ Please charge my Deposit Account No. 09-0447 in the amount of \$ 0.00.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following  
fees associated with this communication or credit any overpayment to  
Deposit Account 09-0447. A duplicate copy of this sheet is enclosed.

☒ Any additional fees required under 37 CFR \$1.16 for the presentation  
of extra claims.

☒ Any patent application processing fees under 37 CFR \$1.17.

Respectfully submitted,

By: Volel Emile  
Registration No. 39,969  
(512) 306-7969

Appl. No. 10/082,746  
Amdt. dated 09/30/2005  
Reply to Office Action of 06/30/2005

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SEP 30 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of: :  
Jack Allen Alford, Jr. :  
Serial No: 10/082,746 : Before the Examiner:  
Filed: 02/21/2002 : Nilesh R. Shah  
Title: APPARATUS AND METHOD : Group Art Unit: 2195  
OF DYNAMICALLY : Confirmation No.: 5334  
REPARTITIONING A COMPUTER :  
SYSTEM IN RESPONSE TO :  
PARTITION WORKLOADS :

AMENDMENT A

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of June 30, 2005,  
please amend the above-identified patent Application as  
provided below and consider the following Remarks.

**Amendments to the CLAIMS** are reflected in the listing of  
claims which begins on page 2 of this paper.  
**Remarks** begin on page 14 of this paper.

AUS920010887US1

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